

Message Text

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ACTION ARA-14

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TO SECSTATE WASHDC 7054
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
AMEMBASSY JOSE

C O N F I D E N T I A L SECTION 01 OF 02 MANAGUA 3087

E.O. 11652: GDS
TAGS: PINT, PINS, SHUM, NU
SUBJECT: HUMAN RIGHTS SITUATION: JUNE

SUMMARY: NICARAGUA CONTINUES TO BE TENSE, BUT A NOTE OF CAUTIOUS PROGRESS MAY HAVE BEEN SOUNDED WHEN SOMOZA INVITED BOTH THE IAHRG AND MEMBERS OF AMNESTY INTERNATIONAL TO VISIT NICARAGUA, PLEDGING THE GON'S FULL ASSISTANCE IN THE VISITS, TIMING AND PROCEDURAL DETAILS OF THE VISITS AWAIT RESOLUTION. ADDITIONALLY, THE ARREST ORDERS AGAINST "THE TWELVE WERE VOIDED. ON ANOTHER FRONT, A CONSERVATIVE PARTY BILL PROVIDING FOR AMNESTY FOR POLITICAL PRISONERS AND OPPONENTS OF THE REGIME WAS REFERRED TO A CONGRESSIONAL COMMITTEE FOR FURTHER STUDY. EARLIER, THE SENATE AND CHAMBER OF DEPUTIES DISSOLVED THEIR HUMAN RIGHTS COMMITTEES. PROTEST DEMONSTRATIONS CONTINUED THROUGHOUT THE MONTH LEADING TO SEVERAL ARRESTS INCLUDING THAT OF A MEMBER OF THE NICARAGUAN PERMANENT COMMISSION ON HUMAN RIGHTS (CPDH). THE CPDH ISSUED AN UPDATE REPORT ON HUMAN RIGHTS IN NICARAGUA, AND ITS NATIONAL COORDINATOR CONTINUES TO BE THE SUBJECT OF

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HARASSMENT AND THREATS. THE INVESTIGATION INTO THE ASSASSINATION OF DR. PEDRO JOAQUIN CHAMORRO CARDENAL CONTINUED, AND THE GN INVESTIGATION OF THE DEATH OF 15-YEAR OLD FATIMA GEORDY MORALES HAD LED TO A NEARLY UNPRECEDENTED MILITARY COURT TRIAL OF THE NATIONAL GUARDSMAN WHO ADMITTED "ACCIDENTAL" DISCHARGE OF HIS RIFLE. DURING THE MONTH, THE OPPOSITION CONTINUED TO ENCOURAGE

THE INSURRECTIONIST LINE, AND THE PRESS WAS SUBJECTED TO HARASSMENT WITH SEVERAL RADIO STATIONS BEING CLOSED TEMPORARILY, JOURNALISTS THREATENED, AND SHOTS FIRED AT THE LA PRENSA OFFICES. END SUMMARY.

1. NICARAGUA CONTINUED TENSE THROUGHOUT JUNE WITH A SERIES OF ANTI-GON STRIKES, DEMONSTRATIONS, ETC. A SERIES OF SIGNIFICANT EVENTS WAS INITIATED WITH SOMOZA'S 19 JUNE PRESS CONFERENCE, IN WHICH HE ANNOUNCED THAT THE IAHRC WOULD BE INVITED TO VISIT NICARAGUA (MANAGUA 2793 AND 2817). THE TIMING AND DETAILS OF THE VISIT REMAIN TO BE ESTABLISHED AND THE GON EMPHATICALLY STATED THAT THE INVITATION WAS NOT THE RESULT OF EXTERNAL PRESSURES. SOMOZA PLEDGED THE GON'S FULL COOPERATION TO THE IAHRC. SHORTLY THEREAFTER, IN A SERIES OF MOVES WHICH CRITICS HAVE CHARGED WAS DESIGNED TO IMPROVE THE GON'S IMAGE, THE ARREST ORDERS FOR "THE TWELVE" WERE VOIDED BY THE MASAYA APPEALS COURT (MANAGUA 2803), SOMOZA EXTENDED AN INVITATION TO MEMBERS OF AMNESTY INTERNATIONAL TO VISIT NICARAGUA AND LEGISLATION FOR AN AMNESTY FOR THE REGIME'S POLITICAL OPPONENTS WAS INTRODUCED IN CONGRESS (SEE PARA 2).

2. CONGRESSIONAL ACTION: DURING THE CONGRESSIONAL REORGANIZATION FOLLOWING THE BEGINNING OF THE NEW SESSION, BOTH THE SENATE AND THE CHAMBER OF DEPUTIES DROPPED THEIR CONFIDENTIAL

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COMMITTEES ON HUMAN RIGHTS ARGUING THAT THEY HAD NO LEGAL JURISDICTION. (COMMENT: IN FACT, THE COMMITTEES HAD BEEN VIRTUALLY MORIBUND SINCE THEIR ADOPTION. END COMMENT) IT WAS DECIDED INSTEAD TO RESORT TO AN AD HOC COMMITTEE TO DEAL WITH SPECIFIC HUMAN RIGHTS MATTER. ON JUNE 21, A CONSERVATIVE PARTY DEPUTY INTRODUCED LEGISLATION TO GRANT AMNESTY TO POLITICAL PRISONERS AND OTHERS CHARGED WITH POLITICAL OFFENSES (MANAGUA 2920). THE MOTION WAS EVENTUALLY ACCEPTED AND REFERRED TO A STUDY COMMITTEE AFTER SOMOZA GAVE HIS CONSENT TO SUCH A MOVE. AS EXPECTED, CRITICS SAW THIS AS AN IMAGE-CLEANSING MANEUVER BY THE GON AND THE MOTION'S ULTIMATE FATE IS UNCERTAIN.

3. DISAPPEARANCES, ARRESTS, AND MISTREATMENT: THE USUAL PATTERN OF PROTEST DEMONSTRATIONS, ARRESTS AND ALLEGATIONS OF DISAPPEARANCES CONTINUED IN JUNE, AS THE OPPOSITION CONTINUED TO INSIST THAT SOMOZA MUST LEAVE POWER. ON 31 MAY, DR. OMAR SANCHEZ BARQUERO, A CRIMINAL JUDGE, VISITED PRISONERS AT THE TIPITAPA MODEL JAIL. NOVEDADES REPORTED THAT THE JUDGE PROVIDED MANY OF THE PRISONERS WITH LEGAL ASSISTANCE.

4. LA PRENSA, DURING THE COURSE OF THE MONTH, CARRIED SEVERAL HUMAN RIGHTS-RELATED ARTICLES, THE MAJORITY OF WHICH WERE BASED ON INFORMATION FROM THE CPDH, IN WHICH A TOTAL OF 17 PEOPLE ALLEGED BRUTAL AND/OR HUMILIATING TREATMENT AT THE HANDS OF NATIONAL GUARD (GN) AUTHORITIES. THESE ALLEGATIONS HAVE NOT BEEN INDEPENDENTLY SUBSTANTIATED. ADDITIONALLY, WHILE ON A TRIP TO NORTHEASTERN NICARAGUA, THE EMB'S COMMERCIAL OFFICER WAS TOLD BY A U.S. CITIZEN ROMAN CATHOLIC NUN OF AN ALLEGED BEATING OF A WOMAN AND HER HUSBAND DURING THEIR DETENTION BY THE GN ON SUSPICION OF GIVING REFUGE TO BANK ROBBERS. THE COUPLE WAS RELEASED UPON PAYMENT OF A 150 CORDOBA FINE (APPROXIMATELY 21 DOLLARS) EACH. THE NUN TOLD THE COMMERCIAL OFFICER THAT , "HERE
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TORTURE IS USED FOR ANY CRIME MORE SERIOUS THAN DRUNKENNESS OF DISTURBING THE PEACE".

5. IN AN UNUSUAL INCIDENT, GENERAL JOSE ALEGRETT, GN CHIEF OF OPERATIONS (GN-3), MADE A SURPRISE VISIT TO THE JAIL IN OCOTAL. ACCORDING TO LA PRENSA, THE GENERAL REPRIMANDED THE POLICE OFFICIALS IN CHARGE FOR THE UNSANITARY CONDITIONS OF THE JAIL AND THE NEGLIGENCE WITH WHICH IT WAS RUN, AND REPORTEDLY ORDERED THE RELEASE OF 14 OF 15 PRISONERS WHO CONTINUED TO BE DETAINED WITHOUT LEGAL CAUSE.

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FM AMEMBASSY MANAGUA
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AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE

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6. THE 18 JUNE LA PRENSA, IN ITS WEEKLY CPDH COLUMN, ANNOUNCED THE RELEASE OF CECILIA SEVILLA, AGE 20, AFTER TWO YEARS IN CUSTODY. CECILIA, CONTINUED THE COLUMN, WAS CAPTURED BY THE GN IN FEBRUARY 1976 ALONG WITH HER HUSBAND, MARIANO PEREZ. MARIANO IS STILL MISSING. (COMMENT: SEVILLA WAS INCLUDED BY THE CUPUCHINS ON THEIR LIST OF DISAPPEARED CAMPESINOS FROM SOFANA. SHE APPARENTLY IS THE FIRST PERSON INCLUDED ON THE LIST TO REAPPEAR SINCE DETAINED CAMPESINOS WERE RELEASED AT THE END OF MARTIAL LAW LAST SEPTEMBER. EMB IS ATTEMPTING TO DETERMINE ON WHAT BASIS SHE WAS IMPRISONED. END COMMENT.)

7. CPDH: ON 14 JUNE, THE EMB RECEIVED A COPY OF THE UPDATED CPDH REPORT ON HUMAN RIGHTS IN NICARAGUA (MANAGUA 2786). LIC. JOSE ESTABAN GONZALEZ R", NATIONAL COORDINATOR OF THE CPDH, WHILE DELIVERING THE REPORT, TOLD POLOFFS THAT HE HAD RECEIVED ANONYMOUS TELEPHONE THREATS, AS HAD PERSONS PROVIDING INFORMATION TO THE CPDH. GONZALEZ SAID THAT MANY OF THESE THREATS WERE MADE IMMEDIATELY UPON TERMINATION OF TELEPHONE CONVERSATIONS BETWEEN HIM AND CONFIDENTIAL

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INFORMANTS--SUGGESTING THE POSSIBILITY OF ELECTRONIC MONITORING OF CPDH TELEPHONE CONVERSATIONS. IN AN UNRELATED INCIDENT, LA PRENSA REPORTED ON 19 JUNE, THAT A MEMBER OF THE CPDH WAS ARRESTED WHEN HE ATTEMPTED TO INTERCEDE WITH POLICE OFFICIALS IN DIRIAMBÁ ON BEHALF OF HIS TWO BROTHERS, WHO WERE IN CUSTODY. ALLEGEDLY, UPON IDENTIFYING HIMSELF AS A CPDH MEMBER, THE POLICE COMMANDER ORDERED HIS ARREST. THERE HAS BEEN NO SUBSEQUENT MENTION OF THIS DETENTION IN THE PRESS OR BY THE CPDH.

8. CHAMORRO ASSASSINATION: THE INVESTIGATING JUDGE HAS REQUESTED EMB ASSISTANCE IN OBTAINING INFORMATION ON SEVEN WEAPONS USED IN THE ASSASSINATION (MANAGUA 2804). EMB HAS ONLY BEEN ABLE TO PROVIDE INFORMATION ON ONE THUS FAR.

9. FATIMA GEORDY MORALES: IN MID-JUNE, A 15-YEAR OLD GIRL WAS SHOT AND KILLED WHILE ON THE FRINGES OF A DEMONSTRATION IN MANAGUA (MANAGUA 2786, PARA 9). A PRIVATE IN THE GN HAS ADMITTED THE "ACCIDENTAL" DISCHARGE OF HIS RIFLE AND THE BULLET HAS BEEN IDENTIFIED AS .30 CALIBER (USED IN M-1'S, AS WELL AS OTHER WEAPONS).

THE PRIVATE HAS BEEN REFERRED TO A MILITARY COURT FOR TRIAL (MANAGUA 2994). THIS IS A VERY IMPORTANT CASE AS ALL INDICATIONS POINT TO THE GUILT OF THE GN PRIVATE. EMB BELIEVES THE LAST TIME A GN WAS TRIED FOR A SERIOUS OFFENSE WAS PRIOR TO THE 1972 EARTHQUAKE.

10. PRESS HARASSMENT: DURING JUNE, THE MEDIA, BOTH BROADCAST AND PRINT, CONTINUED ITS STRIDENT OPPOSITION AND WAS SUBJECTED TO AN INCREASED LEVEL OF SANCTIONS. BEGINNING IN LATE MAY, LA PRENSA REPORTED THREATS MADE CONFIDENTIAL

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AGAINST SEVERAL JOURNALISTS (MANAGUA 2423). AT THE SAME TIME, FIVE RADIO STATIONS WERE TEMPORARILY TAKEN OFF THE AIR IN THE MOST MASSIVE EMPLOYMENT OF THE RADIO AND TELEVISION CODE TO DATE (MANAGUA 2423). SHOTS REPORTEDLY WERE FIRED AT THE OFFICES OF LA PRENSA AT NIGHT ON TWO OCCASIONS. THE HARSHEST APPLICATION OF THE RADIO AND TELEVISION CODE WAS THE DECISION BY COLONEL ALBERTO LUNA, DIRECTOR OF RADIO AND TELEVISION, TO CLOSE RADIO MI PREFERIDA FOR TWO MONTHS FOR "REPEATEDLY HAVING BROADCAST FALSE AND ALARMIST REPORTS" (MANAGUA 2845). THE OWNER OF THE STATION WAS ALSO FINED 5,000 CORDOBAS (APPROXIMATELY 715 DOLLARS). IN OTHER DEVELOPMENTS, NANEUEL JIRON, THE OWNER OF MI PREFERIDA, WON HIS APPEAL TO THE MINISTER OF GOVERNMENT, OVERTURNING AN EARLIER FINE OF 10,000 CORDOBAS (APPROXIMATELY 1,429 DOLLARS). HE WAS, HOWEVER, FINED 1,000 CORDOBAS (APPROXIMATELY 142 DOLLARS) IN AN UNRELATED MATTER. TWO OTHER BROADCAST JOURNALISTS WERE EITHER FINED OR BEING PROCESSED BY THE AUTHORITIES (MANAGUA 2845).

11. OTHER: FATHER GONZALEZ FLECHA, WHO WAS DENIED RE-ENTRY INTO NICARAGUA AFTER A TRIP TO COSTA RICA (MANAGUA 2277, PARA 2), WAS FINALLY PERMITTED TO RETURN. THE OTHER PRIESTS INVOLVED IN THE INCIDENT WERE EARLIER ADMITTED INTO NICARAGUA.

12. COMMENT: THE GON APPEARS TO BE ACTIVELY MOVING TO IMPROVE ITS IMAGE BEFORE THE PROPOSED IAHRC AND AMNESTY INTERNATIONAL VISITS. AS EMB NOTED IN A RECENT REPORT (MANAGUA 2786 NOTAL), THE INCREASED LEVEL OF CONFRONTATION AND REBELLION IN URBAN AREAS HAS EVOKED AT TIMES A TENDENCY IN THE GN TO OVER-REACT. WHILE GN OVERALL POLICY HAS BEEN TO AVOID CONFRONTATION AND RESTRICT THE USE OF FORCE, DIRECT ATTACKS ON IT HAVE LED TO SHOOTINGS AND SEVERAL APPARENT HUMAN RIGHTS ABUSES. THUS FAR, THE GON HAS YET TO BE TRULY RESPONSIVE TO ACCUSATIONS
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AGAINST IT AND THE GN HAS YET TO DEMONSTRATE A WILLINGNESS
TO DISCIPLINE ITS MEMBERS--ALTHOUGH THE FATIMA GEORDY
MORALES CASE MAY BE A STEP IN THAT DIRECTION. GIVEN THE
INCREASING PROBABLY OFCONTINUED, ACTIVE OPPOSITION
TO THE GON WHICH MAY RESULT IN CONFRONTATIONS BETWEEN THE
GN AND THE OPPOSITION, THERE IS LITTLE LIKELIHOOD FOR A
DIMUNITION IN THE CURRENT LEVEL OF ACCUSATIONS OF
CONTINUEING HUMAN RIGHTS VIOLATIONS.
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